

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

AN EASEMENT AND RIGHT-OF-WAY
OVER 16.87 ACRES OF LAND, MORE
OR LESS, IN MONTGOMERY COUNTY,
TENNESSEE

A. G. MATHEWS
HAL GREGORY MATHEWS
Defendants

Civil Action No. 3:07-cv-00077
Judge Wiseman

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that (1) the Commission appointed herein awarded \$631,300.00 as just compensation for the taking of the easement and right-of-way herein condemned (DN 20), to which award no objections have been filed within the time provided by law, and Plaintiff has deposited in this action the sum of \$667,021.73, including interest provided by law, of which \$195,000.00, plus interest earned on the original deposit less the statutory users' fee on said interest, has been disbursed to the Defendants (DN 16).

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover from Plaintiff \$631,300 as just compensation for the taking of the easement and right-of-way herein condemned.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$472,021.73 (said amount being the sum of \$667,021.73 deposited by Plaintiff herein, including interest provided by law, less the above-mentioned \$195,000.00) payable to A. G. Mathews and Hal Gregory Mathews, and to mail said check to Clark H. Tidwell, Esq., and James W. Fisher, Jr., Esq., Lassiter, Tidwell, Davis, Keller & Hogan, PLLC, 150 Fourth Avenue North, One Nashville Place, Suite 1850, Nashville, Tennessee 37219-2408.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on January 22, 2007, is hereby fully and finally confirmed with respect to the easement and right-of-way described below (said description being the same as Exhibit A to the Declaration of Taking filed herein):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush, to prevent the drilling or sinking of wells within said right-of-way, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within ten feet of any transmission line structure or conductor located thereon, the plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. CMT-136

A strip of land located in the Fifteenth Civil District of Montgomery County, State of Tennessee, as shown on maps entitled "Cumberland-Montgomery Transmission Line," drawing LW-8429, sheets P6, R.1, and P7, R.2, the portion of said maps which show said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point which is a common corner in the lands of George Marsh Marks, Montgomery County, Tennessee (Hickory Point Road), and others, the said point being on the west right-of-way line of the said road; thence leaving the said common corner and with the meanders of the said road right-of-way line and the east property line of George Marsh Marks in a northerly direction 137 feet to a point on the centerline of the location at survey station 1361+46.84; thence leaving the said road right-of-way line and the said property line and with the centerline of the location N. 69° 55' 48" E., 53.43 feet to a point on the east right-of-way line of the said road and the west property line of A. G. (Gary) Mathews, et al., at survey station 1362+00.27, the said point being the POINT OF BEGINNING, the said strip being bounded on the west end by the said road right-of-way line and the said property line; thence leaving the point of beginning and with the centerline of the location N. 69° 55' 48" E., 121.71 feet to an angle point in the centerline of the location at survey station 1363+21.98; thence continuing with the centerline of the location N. 56° 20' 24" E., 1,003.02 feet to an angle point in the centerline of the location at survey station 1373+25.00; thence continuing with the centerline of the location N. 38° 02' 26" E., 592.12 feet to an angle point in the centerline of the location at survey station 1379+17.12; thence continuing with the centerline of the location N. 30° 14' 42" E., 2,482.28 feet to a point on a fence line and the property line between A. G. (Gary) Mathews, et al., and Jessie Lee Majors et al., at survey station 1403+99.4, the said strip being bounded on the north end by the said fence line and the said property line.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 4,199.13 feet and contains 16.87 acres, more or less.

Furthermore, such appurtenant right, title, and interest as the owner of the above-described land may have in Tract CMT-136, Montgomery County, Tennessee (Hickory Point Road), the adjoining road right-of-way as shown on the map referenced above.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — A. G. Mathews and Hal Gregory Mathews (Volume 373, page 2023).

Tax map 110, parcel 24

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment and Order Disbursing Funds which shall serve as a muniment of title.

It is so ORDERED.


United States District Judge